

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

ROBIE MATTHEWS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. _____
	:	
WAL-MART STORES EAST, LP,	:	JURY TRIAL DEMANDED
d/b/a WAL-MART #1682,	:	
	:	
Defendant.	:	

COMPLAINT – CIVIL ACTION

COMES NOW the Plaintiff, Robie Matthews, by counsel, and for her Complaint against the Defendant, Wal-Mart Stores East, LP, alleges as follows:

PARTIES

1. Plaintiff Robie Matthews (“Plaintiff” or “Ms. Matthews”) is an adult resident of the City of Portsmouth, Virginia.
2. Wal-Mart Stores East, LP (“Wal-Mart”) is a Delaware corporation with its principal place of business in Arkansas. Wal-Mart is duly authorized to do business in Virginia, and owns, manages and controls the premises known as Walmart Supercenter #1682 located at 2448 Chesapeake Square Ring Road in the City of Chesapeake, Virginia.

JURISDICTION AND VENUE

3. This Court has diversity jurisdiction over Plaintiff’s claims pursuant to 28 U.S.C. § 1332(a).
4. Venue is proper, pursuant to 28 U.S.C. § 1391(b), because the acts and omissions giving rise to Plaintiff’s claims occurred in the Eastern District of Virginia.

5. Assignment to the Norfolk Division of the Eastern District of Virginia is proper, pursuant to Eastern district of Virginia Local Rules 3(B)(3) and 3(C), because the acts and omissions giving rise to Plaintiff's claims occurred in the City of Chesapeake, Virginia.

STATEMENT OF FACTS

6. On May 15, 2020, Ms. Matthews was lawfully on the premises of the Walmart Supercenter #1682 located at 2448 Chesapeake Square Ring Road in the City of Chesapeake, Virginia as a business invitee, and the Defendant owed the duty to exercise reasonable care to the Plaintiff.

7. Ms. Matthews was shopping in the produce department, and was selecting bananas from a table.

8. Unbeknownst to Ms. Matthews, an unknown Wal-Mart employee placed an object under the table, causing it to protrude into the walkway where Ms. Matthews was shopping.

9. The dolly caught Plaintiff's foot, causing her to fall forward onto the banana table, causing her injuries.

10. The Defendant is responsible for the negligence of its employees.

11. Further, Defendant either knew or should have known of the dangerous condition that caused the incident, but failed to take proper action to make its premises reasonably safe for Ms. Matthews and other shoppers.

12. The aforesaid incident and Plaintiff's injuries occurred as a result of and were proximately caused by fault, neglect, and/or negligent and wrongful acts and failure to exercise ordinary care of Wal-Mart in the following non-exclusive particulars:

- a. Failed to keep its premises in a reasonably safe condition;
- b. Failed to provide safe and suitable walkways for business invitees and/or other individuals lawfully on its premises;
- c. Failed to inspect and maintain its premises, particularly areas regularly traversed by business invitees;
- d. Failed to take ordinary and/or reasonable precautions; and
- e. Other acts of negligence to be shown at the trial of this matter.

13. As a direct and proximate result of the negligence described above, Ms. Matthews suffered substantial debilitating and permanent injuries that have required extensive medical treatment, and will require surgical repair in the future. Ms. Matthews has been obligated to spend various sums of money for treatment, and will be obligated to do the same in the future. Ms. Matthews' enjoyment of life has been impaired, and she has otherwise been damaged or injured.

WHEREFORE, the Plaintiff, Robie Matthews, respectfully requests that she be awarded judgment against the Defendant in an amount to be determined by a jury, but asserted to be in excess of seventy-five thousand (\$75,000.00), together with post-judgment interest and the costs of this proceeding, as well as such other and further relief as may be appropriate under the circumstances of this case.

A TRIAL BY JURY IS HEREBY DEMANDED.

Respectfully Submitted,
ROBIE MATTHEWS

/s/ John H. Coston IV
John H. Coston IV
VA Bar No. 83774

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